

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In Re:	:	Chapter 13
Calvin D. Delp, Jr.	:	JUDGE <u>CALDWELL</u>
Constance L. Delp	:	Case No. <u>12-54622</u>
	:	

**MOTION TO MODIFY CHAPTER 13 PLAN**

Now come Debtors, Calvin D. Delp, Jr. and Constance L. Delp, by and through counsel, Courtney A. Perdue, and hereby requests this Court enter an Order modifying their Chapter 13 plan. Support for the Motion is set forth below.

**MEMORANDUM IN SUPPORT**

The Debtors' Chapter 13 plan was confirmed on August 7, 2012 and called for payments to the Trustee in the amount of \$800.00 per month for the remainder of the plan, but not to exceed 5 years, until the plan is complete. The general unsecured dividend is 1%.

The Debtors are requesting such modification because Mr. Delp was injured at work and is only receiving worker's compensation benefits. Debtors propose to modify their Chapter 13 Plan to lower the payment to \$600.00 per month for six (6) months starting in September 2012, then \$850.00 for the remainder of the plan. Debtors do not seek to decrease the dividend to the unsecured creditors nor do they believe that the payment modification will violate the provisions of 11 U.S.C. §1322(d) regarding plan length. Pursuant to LBR 3015-2(b)(5) an amended Schedule I and J are attached hereto respectively.

Accordingly, the Debtors request this Court enter an order modifying the plan to lower the payment to \$600.00 per month for six (6) months starting in September 2012, then \$850.00 for the remainder of the plan. All other terms of the confirmed plan shall remain unchanged.

Respectfully submitted,

/s/ Courtney A Perdue  
Courtney A Perdue (0082136)  
Attorney for Debtor  
610 S. Third St.  
Columbus, OH 43206  
(614) 228-4435  
(614) 228-3882 fax  
courtneyperdue.law@gmail.com

**NOTICE AND CERTIFICATE OF SERVICE**

The undersigned will present to the Court a proposed order granting the relief sought unless, within twenty-one (21) days after this date, a written memorandum in opposition, and request for a hearing on such opposition, is filed with the Court and served on the undersigned. The undersigned certifies that a copy of the foregoing Motion was served, pursuant to Local Bankruptcy Rules "LBR") 9013-3(b) and 3015-2(b) this 13th day of September, 2012,

*by Electronic Notification to the following:*

- Asst US Trustee (Col) ustpreregion09.cb.ecf@usdoj.gov
- Brian M Gianangeli bgianangeli@mifsudlaw.com
- Frank M Pees trustee@ch13.org

*Or regular U.S. mail to the following:*

**Debtors:**

Calvin & Constance Delp  
1061 Strimple Avenue  
Columbus, Ohio 43229

**Creditors:**

*See attached matrix*

/s/ Courtney A. Perdue  
Courtney A. Perdue (0082136)  
Attorney for Debtor  
610 S. Third St.  
Columbus, OH 43206  
(614) 228-4435  
(614) 228-3882 fax  
e-mail:courtneyperdue.law@gmail.com

B6I (Official Form 6I) (12/07)

In re **Calvin D Delp, Jr.**  
**Constance L Delp**

Case No. **2:12-bk-54622**

Debtor(s)

### SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
<b>Married</b>	RELATIONSHIP(S): <b>Father</b> <b>Daughter (college)</b>	AGE(S): <b>-</b> <b>20</b>
<b>Employment:</b>	DEBTOR	SPOUSE
Occupation	<b>Patient Transporter</b>	<b>Self-employed Hair Stylist</b>
Name of Employer	<b>OSU East Hopsital</b>	<b>None</b>
How long employed	<b>6 yrs</b>	<b>since 1/2012</b>
Address of Employer	<b>1492 E. Broad Street</b> <b>Columbus, OH 43206</b>	

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)
2. Estimate monthly overtime

DEBTOR	SPOUSE
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>

3. SUBTOTAL

\$ <b>0.00</b>	\$ <b>0.00</b>
----------------	----------------

4. LESS PAYROLL DEDUCTIONS

- a. Payroll taxes and social security
- b. Insurance
- c. Union dues
- d. Other (Specify):

\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>

5. SUBTOTAL OF PAYROLL DEDUCTIONS

\$ <b>0.00</b>	\$ <b>0.00</b>
----------------	----------------

6. TOTAL NET MONTHLY TAKE HOME PAY

\$ <b>0.00</b>	\$ <b>0.00</b>
----------------	----------------

7. Regular income from operation of business or profession or farm (Attach detailed statement)
8. Income from real property
9. Interest and dividends
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above
11. Social security or government assistance (Specify): **Father's Social Security**  
**Worker's Compensation Income**
12. Pension or retirement income
13. Other monthly income (Specify):

\$ <b>0.00</b>	\$ <b>1,587.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>940.00</b>	\$ <b>0.00</b>
\$ <b>1,500.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>

14. SUBTOTAL OF LINES 7 THROUGH 13

\$ <b>2,440.00</b>	\$ <b>1,587.00</b>
--------------------	--------------------

15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

\$ <b>2,440.00</b>	\$ <b>1,587.00</b>
--------------------	--------------------

16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)

\$ <b>4,027.00</b>	
--------------------	--

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:  
**None**

a.	Average monthly income from Line 15 of Schedule I	\$	<u>4,027.00</u>
b.	Average monthly expenses from Line 18 above	\$	<u>3,427.00</u>
c.	Monthly net income (a. minus b.)	\$	<u>600.00</u>

Label Matrix for local noticing

0648-2

Case 2:12-bk-54622

Southern District of Ohio

Columbus

Thu Sep 13 11:02:03 EDT 2012

American InfoSource LP as agent for

InSolve Recovery LLC

PO Box 269093

Oklahoma City OK 731269093

United States Bankruptcy Court

170 North High Street

Columbus, OH 43215-2414

American Tax Funding Servicing, LLC

345 Jupiter Lakes Blvd., Ste 300

Jupiter, FL 33458-7100

Cars for Less

5240 Sinclair Road

Columbus, OH 43229-5419

Crđ Prt Asso

Attn: Bankruptcy

Po Box 802068

Dallas, TX 75380-2068

Ffcc-columbus Inc

1550 Old Henderson Rd St

Columbus, OH 43220-3626

Gracerecovry

8346 Tyler Bv

Mentor, OH 44060-4221

Keith A Miller

2935 Perdue Avenue

Columbus, OH 43224-4559

National Credit Services

17704 134th Ave NE

Woodinville, WA 98072-4605

Nuvell Credit Company

c/o Ally Financial LLC

PO Box 130424

Roseville, MN 55113-0004

Ohio State Department of Taxation

21st Floor

150 E. Gay St.

Columbus, OH 43215-3191

AmerAssist/AR Solutions

Attn: Kovacks

460 Polaris Parkway

Westerville, OH 43082-8212

American Tax Funding. LLC

345 Jupiter Lakes Blvd, Ste 300

Jupiter, FL 33458-7100

City of Columbus

City Income Tax Division

50 W. Gay St., 4th Floor

Columbus, OH 43215-9037

Department of the Treasury

Internal Revenue Service

PO Box 7346

Philadelphia, PA 19101-7346

Fifth Third Bank

Fifth Third Bank Bankruptcy Department,

1830 East Paris Ave. Se

Grand Rapids, MI 49546-6253

Jefferson Capital Systems LLC

PO BOX 7999

SAINT CLOUD MN 56302-7999

Law Offices Of Charles Mifsud

326 S High Street # 201

Columbus, OH 43215-4522

National Recovery Agen

2491 Paxton St

Harrisburg, PA 17111-1036

Ohio Department of Taxation

P.O. Box 182401

Columbus, OH 43218-2401

Palisades Collection LLC

P.O. Box 1244

Englewood Cliffs, NJ 07632-0244

Ohio State Attorney General

30 E. Broad St.

17 Floor

Columbus, OH 43215

Rjm Acq Llc 575 Underhill Blvd Ste 2 Syosset, NY 11791-3426	Rjm Acq Llc 575 Underhill Blvd. Suite 224 Syosset, NY 11791-3416	Rjm Acquisitions Llc 575 Underhill Blvd, Suite 224 Syosset, NY 11791-4437
---	---	---

Rutherford Funeral Homes 2382 N. High Street Columbus, OH 43202	Tandem QCA Income Partners dba Lockbourne Lodge 10610 Ashville Pike Lockbourne, OH 43137-9668	US Department of Education P.O. Box 4169 Greenville, TX 75403-4169
---	--	--

United Collect Bur Inc 5620 Southwyck Blvd Ste Toledo, OH 43614-1501	Verizon North P.O. Box 920041 Dallas, TX 75392-0041	Wfnnb/tsa Attention: Bankruptcy Po Box 182685 Columbus, OH 43218-2685
--	---	--

Wynona Holdings Inc 1925 E. Dublin-Granville Rd. 103 Columbus, OH 43229-3543	Calvin D Delp Jr. 1061 Strimple Avenue Columbus, OH 43229-5046	Constance L Delp 1061 Strimple Avenue Columbus, OH 43229-5046
--	--	---

Courtney A Perdue Fesenmyer Law Office 610 S. Third Street Columbus, OH 43206-1026	Frank M Pees 130 East Wilson Bridge Road Suite 200 Worthington, OH 43085-2391
---	--

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Ohio State University	End of Label Matrix	
	Mailable recipients	46
	Bypassed recipients	1
	Total	47